

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

IN THE MATTER OF:  
**KIMBERLY N. GALLOP,**

Debtor(s)

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Case No: B-1080779 C-13D

OBJECTION BY STANDING TRUSTEE TO CONFIRMATION OF PLAN

NOW COMES Richard M. Hutson, II, Standing Trustee (“Trustee”) and respectfully objects to confirmation of the Debtor’s plan pursuant to 11 U.S.C. §1325 and shows unto the Court the following:

1. The Debtor filed a petition under Title 11 of the United States Code, Chapter 13, on April 30, 2010, in the United States Bankruptcy Court for the Middle District of North Carolina.
2. On April 30, 2010, Richard M. Hutson, II, was appointed as Trustee.
3. This Court has proper and personal jurisdiction of the subject matter hereof and over the parties pursuant to 28 U.S.C. §§151, 157 and 1334, and the Standing Order entered by the United States District Court for the Middle District of North Carolina and this is a core proceeding within 28 U.S.C. §157(b).
4. The petition filed by the Debtor proposes a monthly plan payment of \$1,082.00 per month for a period of 60 months. Unsecured creditors are to receive no dividend.
5. The Debtor’s plan provides that the claim of RBC Bank secured by a deed of trust on the Debtor’s real property shall be paid as a secured, long-term debt through the Trustee’s office and any arrearage shall be paid as a secured claim.
6. RBC Bank filed a claim in the amount of \$147,180.77 and has asserted ongoing payments of \$1,205.00 per month and an arrearage through July of 2010 in the amount of \$7,365.57.
7. The Trustee objects to confirmation of the plan in that the Debtor’s proposed plan payments are not sufficient to satisfy the secured debt claims of RBC Bank and all other secured or priority claims, if any, within the 60 month time limitation of 11 U.S.C. §1322(d).

WHEREFORE, the Trustee prays the Court for an Order as follows:

1. That the Debtor's plan not be confirmed in that the plan does not comply with 11 U.S.C. §1325 and the case be dismissed for cause pursuant to 11 U.S.C. §1307; or
2. For such other and further relief as the Court may deem just or proper.

This the 6<sup>th</sup> day of July, 2010.

s/Benjamin E. Lovell

Benjamin E. Lovell  
Attorney for the Trustee  
State Bar No: 23266  
P.O. Box 3613  
Durham, N.C. 27702

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing document upon John T. Orcutt, Esq., 6616-203 Six Forks Rd., Raleigh, NC 27615, Kimberly N. Gallop, 1646 Snowmass Way, Durham, NC 27713, and Michael D. West, Esq., U.S. Bankruptcy Administrator, PO Box 1828, Greensboro, NC 27402 by depositing a copy of same in the United States Mail, postage prepaid, and in the manner prescribed by Rule 5 of the Federal Rules of Civil Procedure.

This 6<sup>th</sup> day of July, 2010.

s/Benjamin E. Lovell

Benjamin E. Lovell, Esq.  
Attorney for the Standing Trustee